

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-271-C - ORDER NO. 2004-529
OCTOBER 26, 2004

IN RE: Petition of South Carolina Net, Inc.)	ORDER GRANTING
Requesting the Public Service Commission's)	REQUESTED RELIEF
Intervention in NeuStar's Denial of NXX)	
Code Assignment.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of South Carolina Net, Inc. (SC Net or the Company) for Intervention in NeuStar's Denial of NXX Code.

In its Petition, SC Net requests that the Commission waive NeuStar's denial of SC Net's request for numbering resources. According to SC Net, NeuStar denied SC Net's request for an additional growth code that is needed to establish a Location Routing Number (LRN) for SC Net's second switch in the Columbia rate center (803 Area Code). The Commission is authorized by the Federal Communications Commission (FCC) to waive NeuStar denials when the Commission determines that exceptions are justifiable. Based on the following discussion, the Commission grants SC Net's Petition and waives NeuStar's denial of the additional growth code.

SC Net states that it is a competitive local exchange carrier (CLEC) certified in South Carolina to provide facilities-based service in Columbia as well as through interconnection in other areas of South Carolina. SC Net states that it is establishing a second switch in the Columbia rate center (803 Area Code) and must establish a unique

LRN for the new switch. SC Net quotes the Central Office Code (NXX) Assignment Guidelines, which states, “An applicant may request an NXX assignment for the establishment of an initial LRN per switching entity for each LATA in which the applicant has a customer served by that same switch, provided the applicant has no existing resources available for LRN assignment. SPs (Service Providers) must meet the months-to-exhaust (MTE) and utilization requirements if the request is for a central office (CO) code for a new switch in a rate center in which the SP already has numbering resources.”

SC Net states that it has existing numbering resources in the Columbia rate center (803-726) (LRN 803-726-0000), and SC Net has attempted to use its existing resources to apply to the Business Integrated Routing and Rating System (BIRRDS) for assignment of an LRN (803-726-9999) for its second switch (CLMASCRJDS1) in the LATA. However, the BIRRDS does not accept an existing numbering resource as an LRN for the second switch in the LATA. SC Net’s application for the LRN (using existing resources) and the resulting non-acceptance is submitted as an exhibit to the Petition.

The Company further states that, having exhausted the remedy of using existing resources, on September 1, 2004, SC Net submitted a request to the NeuStar Pooling Administrator (PA) for an additional code in the Columbia rate center for SC Net’s second switch in the LATA to establish the LRN for the second switch. Columbia is a mandatory number-pooling rate center. SC Net states that it requires only one block for the establishment of the LRN at the second switch; the other nine (9) blocks will be donated to the pool. As of the September 1, 2004 request, the Pooling Administration

System (PAS) calculated the existing Columbia resources to have an MTE of 890 months and a utilization of 11.011%. On September 7, 2004, the PAS denied the requested code, due to deficiency of the MTE and based on the allegation that utilization thresholds of existing resources are not met.

The FCC's rules [FCC 01-362, Appendix A, Final Rules, Section 52.15(g)(4)] and the Central Office Code (NXX) Assignment Guidelines (Section 13.0) provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. Further, the FCC's rules allow state commissions to overturn the NeuStar/PA's decision to withhold numbering resources from the SP based on its determination that the SP has demonstrated a verifiable need for additional numbering resources and has exhausted all other available remedies.

SC Net requests that this Commission reverse NeuStar's decision to withhold numbering resources from SC Net on several grounds: (1) NeuStar's decision to withhold numbering resources from SC Net interferes with SC Net's ability to provide services to its customers; (2) SC Net has demonstrated a verifiable need, and (3) SC Net has exhausted all other available remedies. Further, SC Net requests that this Commission waive the decision of NeuStar to deny SC Net's request for additional numbering resources, direct NeuStar to provide the additional code for SC Net's second switch in the Columbia rate center; and grant the requested relief as soon as possible.

We have examined this matter, and hold that SC Net's Petition should be granted as filed. We believe that we have the authority under the various rules cited by SC Net to review NeuStar's decisions and overturn its decisions to withhold numbering resources.

We agree that SC Net has demonstrated that NeuStar's decision to withhold numbering resources from SC Net interferes with SC Net's ability to provide services to its customers. We also agree that SC Net has demonstrated a verifiable need in this case, and that SC Net has exhausted all other available remedies. It is clear under the circumstances that the request for an additional code is reasonable under the circumstances and should be provided by NeuStar. Accordingly, this Commission hereby waives the decision of NeuStar to deny SC Net's request for additional numbering resources. We direct NeuStar to provide the additional code for SC Net's second switch in the Columbia rate center as soon as possible.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)